

**Land To The South And Adj To South Side
Steeple Aston**

22/01788/F

Case Officer: Shona King

Recommendation: Approve

Applicant: Rectory Homes Ltd

Proposal: Variation of condition 2 (plans) of 21/02318/F - proposed amendments to plot 10

Expiry Date: 15 September 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a largely undeveloped site located to the south western edge of Steeple Aston. The site previously appeared to include a number of agricultural buildings. However, these have largely been clear along with the extensive vegetation which previously covered the site. A commercial garage exists to the west of the site and residential properties exist to the north and east. To the south of the site is open countryside.
- 1.2. The application site sits outside but adjacent to the Steeple Aston Conservation Area. The site is within a Mineral Conservation Area and an area known to be affected by Radon Gas. There are records of a number of protected and notable species as being present within the vicinity of the site. A Public Right of Way runs from South Side east of the site and crosses open countryside south of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is sought for the variation of Condition No: 2 (plans) of 21/02318/F to amend the design of Plot 10. The amendments include the reduction in the overall height of the dwelling and the reorientation of the main roof pitch. Additional floorspace at first floor is also to be created with the addition of a first floor extension over an approved flat roofed single storey element.
- 2.2. Amended plans have been received further altering the design of the dwelling setting the rear two storey element in from the western boundary slightly to break up the length of the western elevation.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

19/02948/F - Erection of 10no. two storey residential dwellings with access off South Side including a new pedestrian footway, parking and garaging, landscaping and all enabling and ancillary works - APPROVED

21/02318/F - Variation of condition 2 (plans) of 19/02948/F - for plots 1, 2, 3, 4, 5, 6, 7 and 10 - APPROVED

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **27 July 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. STEEPLE ASTON PARISH COUNCIL: NO COMMENT TO DATE

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C28: Layout, design and external appearance of new development

- C30: Design of new residential development
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land

MID CHERWELL NEIGHBOURHOOD PLAN

- PD1: Development at Category A Villages
- PD4: Protection of Important Views and Vistas
- PD5: Building and Site Design
- PD6: Control of Light Pollution
- PH1: Open Market Schemes
- PH3: Adaptable Housing
- PH5: Parking, Garaging and Waste Storage Provision

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Cherwell Council Home Extensions and Alterations Design Guide (2007)
- Steeple Aston Conservation Area Appraisal 2014
- Developer Contributions SPD (February 2018)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

8. APPRAISAL

- 8.1. The principle of the development on the site has previously been deemed to be acceptable and the Planning Practice Guidance advises:

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306)

- 8.2. Therefore, the main issue to consider is whether the alterations now proposed raise any other material considerations which would result in unacceptable impacts – or make the principle of development unacceptable.

Impact on the character and appearance of the area

- 8.3. Plot 10 lies to the westernmost part of the site adjacent to a car workshop. With the submission of the amended plans the proposed amendments to the design of the dwelling are considered to be acceptable and similar to the design of other plots in the development. The reduced scale of the dwelling relative to the original approval helps to soften the appearance and setting of the development when approaching the village from the west. Although it results in a gable frontage to the highway it would be set back significantly from the highway and the overall effect of the reduced height and omission of a deep gable end to the side is a positive change which is to be welcomed, especially now the rear element of the dwelling has been set in from the side elevation.

- 8.4. Therefore, the amended proposals are considered acceptable in terms of the visual amenities of the area and compliant with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF

Heritage assets

- 8.5. It is considered that the proposed variations and additional details would not change the proposal's effect on the Conservation Area. It is therefore considered that the proposed development would preserve the character and appearance of this part of the Conservation Area and thus accords with Policy ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF.

Residential amenity

- 8.6. The proposed amendments to the scheme would not result in any significant increase in the impact on the neighbouring properties over and above that approved development, and the current proposals thus comply with Policy ESD15 of the CLP 2015, saved Policy C30 of the CLP 1996 and Government guidance in the NPPF.

Highway safety

- 8.7. It is considered that the proposals would not materially change the volume or type of vehicles accessing the development and therefore they are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. It is considered that the proposed development, having particular regard to the changes proposed over that of previous consent, would preserve the character and appearance of the Conservation Area, would not result in any significant detriment to the character or visual amenities of the area nor to the living amenities of the neighbouring properties. In addition, it is considered that the proposed development would not result in any significant detriment to highway safety.
- 9.2. As such the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 14 of the NPPF, permission should therefore be granted

10. RECOMMENDATION

That permission is granted, subject to the following conditions

1. The development to which this permission relates shall be begun not later than 28th June 2024, that is, the expiration of three years beginning with the date of the original planning permission ref. 19/02948/F.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Transport Statement prepared by Glanville Consultants dated 4 December 2019, Arboricultural Impact Assessment prepared by Sylva Consultancy dated December 2019, Flood Risk Assessment & Development

Drainage Strategy (Rev. D) prepared by MJA Consulting dated November 2019, Noise Assessment report prepared by Hepworth Acoustics dated November 2019 and drawings numbered: "P.224.LP.01" (Location Plan), "P.224 SP 01 Rev. N" (Proposed site Plan), "P.224.MP.01M" (Materials Plan), "P.224.4B.DH.1795 (2220) Rev. C" (plots 1 and 3), "P.224.4B.DH.1551 (1651) Rev. C" (plot 2), "P.224.DH.1334 Rev B" (plots 4 and 5), "P.224.DH.1334 & 1029 Rev. F" (plots 6 and 7), "P.224.SD.2B.754 Rev. C" (plots 8 and 9) previously approved under application 21/02318/F and "P.224.DH.3B.1006 Rev. D (plot 10) accompanying email from Rectory Homes dated 08 08 2022.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Materials and construction

3. The development shall be carried out in accordance with the approved stone sample panel viewed on site by the planning officer on 27 April 2022 except for the mortar used in that stone sample panel. The mortar used for all stonework in the development shall be Remix Dry Mortar 1491. The dwellings shall be roofed with Samaca smooth black natural slate. The approved materials shall be retained as such thereafter.

Reason: To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy PD5 of the Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

4. The development shall not be implemented other than in accordance with the details of the architectural details of the dwellings, including windows, doors, heads, cills, lintels, eaves and verges approved under application ref. 21/02599/DISC and shall be retained as such thereafter.

Reason: To ensure and retain the satisfactory appearance of the completed development and in the interests of the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The surface water drainage scheme for the site shall be implemented in accordance with the details approved under application 22/01126/DISC prior to the completion of the development and shall be retained as such thereafter.

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

6. Prior to occupation of the development hereby approved a record of the installed SuDS and the site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - i. As built plans in both .pdf and .shp file format;
 - ii. Photographs to document each key stage of the drainage system when

- installed on site;
- iii. Photographs to document the completed installation of the drainage structures on site;
- iv. The name and contact details of any appointed management company information.

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

Transport

7. Prior to the first use of the access hereby approved the existing access onto South Side shall be permanently stopped up by means of hedging and verge in accordance with details approved pursuant to the requirements of Condition 13 of this permission and shall not be used by any vehicular traffic whatsoever.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

8. The development shall not be carried out other than in accordance with the full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas submitted under application ref. 21/02496/DISC, including drawing ref. "6355-MJA-SW-XX-DR-C-004 Rev P1". The parking and manoeuvring areas shall be provided on the site in accordance with the said details prior to the first occupation of the development and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

9. The development shall not be carried out other than in accordance with the full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, approved under application 22/01126/DISC. The access, driveways and turning areas shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

10. The development shall not be carried out other than in accordance with the Construction Traffic Management Plan (CTMP) approved under application ref. 21/02319/DISC.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

Ecology and Biodiversity

11. The development shall not be carried out other than in accordance with the Construction Environmental Management Plan (CEMP: Biodiversity) approved under application ref. 21/02319/DISC. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. The development shall not be carried out other than in accordance with the method statement for enhancing biodiversity on site, to include measures for swift, approved under application ref. 21/02319/DISC. The biodiversity enhancement measures shall be carried out in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Landscaping

13. The development shall be carried out in strict accordance with the landscape scheme approved under application ref. 21/02599/DISC and the hard landscape elements shall be carried out prior to the first occupation of the development and shall be retained as such thereafter.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996, Policy PD5 of the Mid-Cherwell Neighbourhood Plan (2017-2031) and Government guidance contained within the National Planning Policy Framework.

Environment

14. The development hereby approved shall not be carried out other than in accordance with the recommendations set out in Section 4 (Noise Mitigation Measures) of Noise Assessment report carried out by Hepworth Acoustics dated November 2019.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. The development hereby approved shall not be carried out other than in accordance with the scheme for the provision of vehicular electric charging points to serve the development approved under application ref. 21/02599/DISC. The vehicular electric charging points shall be provided in accordance with the said approved details prior to the first occupation of the dwelling they serve.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

16. The development shall not be carried out other than in accordance with the desk study and site walk over to identify all potential contaminative uses on site approved under application ref. 21/02319/DISC.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. If a potential risk from contamination is identified as a result of the work carried out under condition 16, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. If contamination is found by undertaking the work carried out under condition 17, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. If remedial works have been identified in condition 18, the development shall not

be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 18. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Shona King

DATE: 13 09 2022

Checked By: Nathanael Stock

DATE: 14.09.2022
